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**HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS CO 80527-2400**

In re Application of	:	
John M. Brown et al	:	
Application No. 10/657,946	:	DECISION ON PETITION
Filed: September 9, 2003	:	
Attorney Docket No. 10972005-2	:	

This is a decision on the petition, filed January 11, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office Notice of December 1, 2003 and supplemented on November 5, 2004, which set a period for reply of TWO MONTHS from the mail date of the Notice.

Petitioner states that a timely reply to the Notice of December 1, 2003, was transmitted via facsimile on January 27, 2004 and resubmitted on January 29, 2009, which included an executed declaration.. Petitioner has submitted a copy of the previously transmitted correspondence, with a copy of the USPTO Auto-Reply confirmed receipt which bears a date of January 27, 2004, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received

in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice To File Missing Parts Of Nonprovisional Application is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on January 27, 2004.

This application is being referred to the Office of Initial Patent Examination for preexamination in due course.



Karen Creasy
Petitions Examiner
Office of Petitions